

REFERENCE TITLE: universities; tuition adjustments; inflation

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Senate
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2007

SB 1160

Introduced by
Senators Garcia, Aguirre, Landrum Taylor; Representative Ableser; Senators
Harper, Johnson, Miranda, Rios, Soltero, Waring; Representative Lopez

AN ACT

AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF
REGENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1626, Arizona Revised Statutes, is amended to
3 read:

4 15-1626. General administrative powers and duties of board

5 A. The board shall:

6 1. Have and exercise the powers necessary for the effective governance
7 and administration of the institutions under its control. To that end, the
8 board may adopt, and authorize each university to adopt, such regulations,
9 policies, rules or measures as are deemed necessary and may delegate in
10 writing to its committees, to its university presidents, or their designees,
11 or to other entities under its control, ~~any part of its authority for the~~
12 administration and governance of such institutions, including those powers
13 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
14 3, 4, 8, 9, 11 and 12 of this subsection and subsection B of this
15 section. Any delegation of authority may be rescinded by the board at any
16 time in whole or in part.

17 2. Appoint and employ and determine the compensation of presidents
18 with such power and authority and for such purposes in connection with the
19 operation of the institutions as the board deems necessary.

20 3. Appoint and employ and determine the compensation of
21 vice-presidents, deans, professors, instructors, lecturers, fellows and such
22 other officers and employees with such power and authority and for such
23 purposes in connection with the operation of the institutions as the board
24 deems necessary, or delegate its authority pursuant to paragraph 1 of this
25 subsection.

26 4. Remove any officer or employee when the interests of education in
27 this state so require in accordance with its personnel rules and policies.

28 5. Fix tuitions and fees to be charged and differentiate the tuitions
29 and fees between institutions and between residents, nonresidents,
30 undergraduate students, graduate students, students from foreign countries
31 and students who have earned credit hours in excess of the credit hour
32 threshold. For the purposes of this paragraph, the undergraduate credit hour
33 threshold is one hundred fifty-five hours for students who attend a
34 university under the jurisdiction of the board in fiscal year 2006-2007, one
35 hundred fifty hours for students who attend a university under the
36 jurisdiction of the board in fiscal year 2007-2008 and one hundred forty-five
37 hours for students who attend a university under the jurisdiction of the
38 board after fiscal year 2007-2008. The undergraduate credit hour threshold
39 shall be based on the actual full-time equivalent student enrollment counted
40 on the twenty-first day after classes begin for the fall semester of 2005 and
41 every fall semester thereafter and any budget adjustment based on student
42 enrollment shall occur in the fiscal year following the actual full-time
43 equivalent student enrollment count. The undergraduate credit hour threshold
44 shall not apply to degree programs that require credit hours above the credit
45 hour threshold, credits earned in the pursuit of up to two baccalaureate

1 degrees, credits earned in the pursuit of up to two state regulated
 2 licensures or certificates, credits earned in the pursuit of teaching
 3 certification, credits transferred from a private institution of higher
 4 education, credits transferred from an institution of higher education in
 5 another state, credits earned at another institution of higher education but
 6 ~~that are~~ not accepted as transfer credits at the university where the student
 7 is currently enrolled and credits earned by students who enroll at a
 8 university under the jurisdiction of the board more than twenty-four months
 9 after the end of that student's previous enrollment at a public institution
 10 of higher education in this state. On or before October 15 of each year, the
 11 board shall report to the joint legislative budget committee the number of
 12 students who were enrolled at universities under the jurisdiction of the
 13 board during the previous fiscal year who met or exceeded the undergraduate
 14 credit hour threshold prescribed in this paragraph. The amount of tuition,
 15 registration fees and other revenues included in the operating budget for the
 16 university adopted by the board as prescribed in paragraph 13 of this
 17 subsection shall be deposited, pursuant to sections 35-146 and 35-147. All
 18 other tuition and fee revenue shall be retained by each university for
 19 expenditure as approved by the board, except that the universities shall not
 20 use any tuition or fee revenue to fund or support an alumni association.

21 6. Except as provided in subsection H of this section, adopt rules to
 22 govern its tuition and fee setting process that provide for the following:

23 (a) At least one public hearing at each university as an opportunity
 24 for students and members of the public to comment ~~upon~~ **ON** any proposed
 25 increase in tuition or fees.

26 (b) Publication of the notice of public hearing at least ten days
 27 ~~prior to~~ **BEFORE** the hearing in a newspaper of general circulation in Maricopa
 28 county, Coconino county and Pima county. The notice shall include the date,
 29 time and location of the public hearing.

30 (c) Public disclosure by each university of any proposed increases in
 31 tuition or fees at least ten days ~~prior to~~ **BEFORE** the public hearing.

32 (d) Final board action on changes in tuition or fees shall be taken by
 33 roll call vote.

34 (e) **EXCEPT AS PROVIDED IN SUBDIVISION (f) OF THIS PARAGRAPH, THE BOARD**
 35 **MAY ADJUST TUITION FOR EXISTING STUDENTS ONLY BY THE CHANGE IN THE HIGHER**
 36 **EDUCATION PRICE INDEX FROM THE SECOND PRECEDING CALENDAR YEAR TO THE CALENDAR**
 37 **YEAR IMMEDIATELY PRECEDING THE CURRENT YEAR. ALL TUITION ADJUSTMENTS SHALL**
 38 **TAKE EFFECT IN THE ACADEMIC YEAR FOLLOWING THE CHANGE.**

39 (f) **THE BOARD MAY MAKE TUITION ADJUSTMENTS THAT APPLY ONLY TO THE**
 40 **FOLLOWING:**

- 41 (i) **NONRESIDENT STUDENTS.**
- 42 (ii) **NEWLY ENROLLED STUDENTS.**
- 43 (iii) **EXISTING STUDENTS WHO SUBSEQUENTLY QUALIFY FOR INCLUSION IN A**
 44 **DIFFERENT TUITION CATEGORY PRESCRIBED IN THIS PARAGRAPH.**

1 (iv) EXISTING STUDENTS WHO ABANDON A PREVIOUSLY DECLARED PROGRAM OF
2 STUDY.

3 (v) EXISTING STUDENTS WHO HAVE BEEN ENROLLED FULL-TIME FOR SIX YEARS
4 OR MORE.

5 (vi) DIFFERENT CAMPUSES WITHIN THE SAME UNIVERSITY.

6 The procedural requirements of subdivisions (a), (b), (c), ~~and~~ (d), (e) AND
7 (f) apply only to those changes in tuition or fees that require board
8 approval.

9 7. Pursuant to section 35-115, submit a budget request for each
10 institution under its jurisdiction that includes the estimated tuition and
11 fee revenue available to support the programs of the institution as described
12 in the budget request. The estimated available tuition and fee revenue shall
13 be based on the tuition and registration fee rates in effect at the time the
14 budget request is submitted with adjustments for projected changes in
15 enrollment as provided by the board.

16 8. Establish curriculums and designate courses at the several
17 institutions which in its judgment will best serve the interests of this
18 state.

19 9. Award such degrees and diplomas ~~upon~~ ON the completion of such
20 courses and curriculum requirements as it deems appropriate.

21 10. Prescribe qualifications for admission of all students to the
22 universities. The board shall establish policies for guaranteed admission
23 that assure fair and equitable access to students in this state from public,
24 private, charter and home schools. For the purpose of determining the
25 qualifications of honorably discharged veterans, veterans are those persons
26 who served in the armed forces for a minimum of two years and who were
27 previously enrolled at a university or community college in this state. No
28 prior failing grades received by the veteran at the university or community
29 college in this state may be considered.

30 11. Adopt any energy conservation standards ~~promulgated~~ ADOPTED by the
31 department of administration for the construction of new buildings.

32 12. Employ for such time and purposes as the board requires attorneys
33 whose compensation shall be fixed and paid by the board. Litigation to which
34 the board is a party and for which self-insurance is not provided may be
35 compromised or settled at the direction of the board.

36 13. Adopt annually an operating budget for each university equal to the
37 sum of appropriated general fund monies and the amount of tuition,
38 registration fees and other revenues approved by the board and allocated to
39 each university operating budget.

40 14. In consultation with the state board of education and other
41 education groups, develop and implement a program to award honors
42 endorsements to be affixed to the high school diplomas of qualifying high
43 school pupils and to be included in the transcripts of pupils who are awarded
44 endorsements. The board shall develop application procedures and testing
45 criteria and adopt testing instruments and procedures to administer the

1 program. In order to receive an honors endorsement, a pupil must demonstrate
2 an extraordinary level of knowledge, skill and competency as measured by the
3 testing instruments adopted by the board in mathematics, English, science and
4 social studies. Additional subjects may be added at the determination of the
5 board. The program is voluntary for pupils.

6 15. Require the publisher of each literary and nonliterary textbook
7 used in the universities of this state to furnish computer software in a
8 standardized format when software becomes available for nonliterary
9 textbooks, to the Arizona board of regents from which braille versions of the
10 textbooks may be produced.

11 16. Require universities that provide a degree in education to require
12 courses that are necessary to obtain a provisional structured English
13 immersion endorsement as prescribed by the state board of education.

14 17. Beginning July 1, 2007, ~~purchase~~ ACQUIRE United States flags for
15 each classroom that are manufactured in the United States and that are at
16 least two feet by three feet and hardware to appropriately display the United
17 States ~~flag and purchase~~ FLAGS, ACQUIRE a legible copy of the Constitution of
18 the United States and the Bill of Rights, ~~and~~ display the flags in each
19 classroom in accordance with title 4 of the United States Code and display a
20 legible copy of the Constitution of the United States and the bill of rights
21 adjacent to the flag.

22 18. To facilitate the transfer of military personnel and their
23 dependents to and from the public schools of this state, pursue, in
24 cooperation with the state board of education, reciprocity agreements with
25 other states concerning the transfer credits for military personnel and their
26 dependents. A reciprocity agreement entered into pursuant to this paragraph
27 shall:

28 (a) Address procedures for each of the following:

29 (i) The transfer of student records.

30 (ii) Awarding credit for completed course work.

31 (iii) Permitting a student to satisfy the graduation requirements
32 prescribed in section 15-701.01 through the successful performance on
33 comparable exit-level assessment instruments administered in another state.

34 (b) Include appropriate criteria developed by the state board of
35 education and the Arizona board of regents.

36 B. The board shall adopt personnel rules. All nonacademic employees
37 of the universities are subject to these rules except for university
38 presidents, university vice-presidents, university deans, legal counsel and
39 administrative officers. The personnel rules shall be similar to the
40 personnel rules under section 41-783. The rules shall include provisions for
41 listing available positions with the department of economic security,
42 competitive employment processes for applicants, probationary status for new
43 nonacademic employees, nonprobationary status on successful completion of
44 probation and due process protections of nonprobationary employees after

1 discharge. The board shall provide notice of proposed rule adoption and an
2 opportunity for public comment on all personnel rules proposed for adoption.

3 C. The board may employ legal assistance in procuring loans for the
4 institutions from the United States government. Fees or compensation paid
5 for such legal assistance shall not be a claim upon the general fund of this
6 state but shall be paid from funds of the institutions.

7 D. The board shall approve or disapprove any contract or agreement
8 entered into by the university of Arizona hospital with the Arizona health
9 facilities authority.

10 E. The board may adopt policies which authorize the institutions under
11 its jurisdiction to enter into employment contracts with nontenured employees
12 for periods of more than one year but not more than five years. The policies
13 shall prescribe limitations on the authority of the institutions to enter
14 into employment contracts for periods of more than one year but not more than
15 five years, including the requirement that the board approve the contracts.

16 F. The board may adopt a plan or plans for employee benefits which
17 allow for participation in a cafeteria plan that meets the requirements of
18 the United States internal revenue code of 1986.

19 G. The board may establish a program for the exchange of students
20 between the universities under the jurisdiction of the board and colleges and
21 universities located in the state of Sonora, Mexico. Notwithstanding
22 subsection A, paragraph 5 of this section, the program may provide for
23 in-state tuition at the universities under the jurisdiction of the board for
24 fifty Sonoran students in exchange for similar tuition provisions for up to
25 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
26 universities. The board may direct the universities to work in conjunction
27 with the Arizona-Mexico commission to coordinate recruitment and admissions
28 activities.

29 H. Subsection A, paragraph 6, subdivisions (a), (b), (c), ~~and~~ (d), (e)
30 ~~AND~~ (f) of this section do not apply to fee increases that are set by
31 individual universities and that do not require approval by the Arizona board
32 of regents before the fee increase becomes effective.

33 Sec. 2. Applicability

34 Section 15-1626, Arizona Revised Statutes, as amended by this act,
35 applies beginning with the 2007-2008 academic year.